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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,068	12/18/2001	Roy Want	42390P11690	8360
8791	7590	07/25/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/025,068

Applicant(s)

WANT ET AL

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communication filed on June 9, 2005.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second range" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The phrase "second range" considers as a new matter because it was not described in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12, 20, 26-28, 35-36, 42 are rejected under 35 U.S.C. 102(2) as being anticipated by Xydis (US 6,456,958).

Regarding claims 12, 20, 27, 35, Xydis discloses computer access device (abstract) which includes: a first wireless communication interface (antenna 18 for emitting and detecting a radio frequency (RF) signal 20) (fig. 1, ref. 18; col. 3, lines 14-15) to communicate with at least one portable electronic device having a second wireless communication interface (antenna 32 for emitting and detecting RF signals) (fig. 1, ref. 32; col. 3, lines 24-25) when a distance between the portable electronic device and the computer access device is within a first range (computer 72 and token 70 is within a predetermined radius 64) (col. 5, lines 23-28); and a range sensor (processor 36) (fig. 2-fig. 4; ref. 36) to sense when a distance between the portable electronic device (token) (col. 5, line 24) and the computer access device (computer 72) (col. 5, line 24) is within a second range (outside the predetermined radius 64) (col. 5, lines 23-35); wherein the range sensor (processor 36) is separate from the first and second wireless communication interfaces (fig. 1-fig. 4). Claims 27, 35 add : establishing substantive communications with the first second device using the communications interface (fig. 2-fig. 4; col. 3, lines 13-26).

Regarding claim 26, Xydis discloses a portable electronic device is selected from the group including a personal digital assistant (PDA), and MP3 player, and a personal computer (col. 3, lines 10-12).

Regarding claims 28, 36, Xydis discloses the particular device is within the second range is done in a wireless fashion by a range sensor (processor 36) (fig. 2-fig. 4).

Regarding claim 42, Xydis discloses establishing communications includes communicating data between the particular first device and the second device which is uniquely associated with the particular second electronic device (fig. 2-fig. 4).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-15, 21-22, 25, 31-34, 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,456,958) in view of Berliner et al. (US 6,731,908).

Regarding claims 13, 21, 31, 39, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose first and second wireless communication interfaces communicate using a standardized communication protocol, at least the first wireless communication interface being to communicate with a plurality of second wireless communication interfaces each associated with a particular portable electronic device.

However, Berliner discloses the first and second wireless communication interfaces communicate using a standardized communication protocol (bluetooth protocol), the first wireless communication interface (base station 100) communicates with a plurality of second wireless communication interfaces

being to communicate with a plurality of second wireless communication interfaces (remote units) each associated with a particular portable electronic device (fig. 1; col. 6, lines 4-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis. Doing so would determine the distance between electronic devices to facilitate reliable communications among devices thereby valuable information could be protected as taught by Berliner (col. 3, lines 40-60).

Regarding claim 14, Xydis discloses the range sensor (processor 36) (fig. 2-4, ref. 36) senses one of a plurality of first devices is within the second range whereafter communications between the two devices are established via the first and second wireless communication interfaces (fig. 2-fig. 4; col. 5, lines 25-34).

Regarding claims 15, 25, 32, 40, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose first and second wireless communication interfaces are communication modules which communicate using bluetooth 802.15 technology.

However, Berliner discloses first and second wireless communication interfaces are communication modules which communicate using bluetooth 802.15 technology (col. 4, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis

in order to improve a reliable communication between devices, thereby saving time and money as taught by Berliner (col. 3, lines 55-60).

Regarding claim 22, Xydis discloses all the limitations in claim 20 but fails to explicitly disclose the computer access device to identify the portable electronic device.

However, Berliner discloses the computer access device to identify the portable electronic device (col. 7, lines 23-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis in order to identify electronic device to enhance communication between devices, thereby saving time and money as taught by Berliner (col. 3, lines 55-60).

Regarding claims 33-34, 41, Xydis discloses physical range is less than the wireless communication range and the method includes, once the particular first device has been identified, establishing substantive communications between the first device and the second device by means of wireless communication interfaces (fig. 2-fig. 4).

8. Claims 16, 23, 29, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,456,958) in view of Hind et al. (US 2002/0174025 A1).

Regarding claims 16, 23, 29, 37, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose a tag reader which communicates with a radio



frequency identification tag of the first device when the RFID tag is within the second range thereby to identify the portable electronic device.

However, Hind discloses a tag reader 56 communicates with the RFID tag product of the PDA 20 through a short-range wireless communication (page 4, ref. 0041).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hind in Xydis. Doing so would insure a better communication between the devices which is quicker and convenient for the users, thereby saving time and money.

9. Claims 17-19, 24, 30, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of Keller et al. (US 2002/0054412 A1).

Regarding claims 17-18, 24, 30, 38, Xydis discloses all the limitations set forth in claim 12 but fails to explicitly disclose an optical arrangement to sense when the first device is within the second range being a predetermined angular range relative to the second device.

However, Keller discloses an optical arrangement to sense when the first device is within a predetermined angular range relative to the second device (optical signal from clients 14 (first device) spread significantly in diameter to angular spread in the transmitted light at the hub (second device)) (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller in Xydis. Doing so would insure a better communication between the devices which is quicker and convenient for the users, thereby users can save time and money.

Regarding claim 19, Xydis disclose the predetermined physical range is less than the wireless communication range of the computer access device (fig. 2-fig. 4).

### ***Response to Arguments***

10. Applicant's arguments filed on June 9, 2005 have been fully considered but they are not persuasive.

Contrary to Applicant's argument on page 10, Xydis strongly discloses a computer access device 72 that includes a wireless communication interface (antenna 18 for emitting and detecting RF signals) (fig. 1, col. 3, lines 14-16) to communicate with a portable electronic device (token 70) (fig. 1) when the distance between the portable electronic device and the computer access device 72 is within a first range (within predetermined radius 64) (col. 5, lines 23-28) and range sensor (processor 36) to sense when a distance between the portable electronic device (token 70) (fig. 1) and the computer access device 72 is within a second range (outside the radius 64) (col. 5, lines 23-30) wherein the range sensor is separate from the wireless communication interface (fig. 1-fig. 2).

All the references are in the same field of endeavor that render the combination proper.

For at least the above reason, the rejection is sustained.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sallam (US 6,421,232) discloses a dual FPD and thin client.

Pellaumail et al. (US 6,409,086) discloses a terminal locking system.

Muraoka et al. (US 6,462,810) discloses a surveying system.

Landt et al. (US 6,078,251) discloses an integrated multi-meter and wireless communication link.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

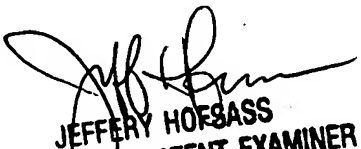
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2632

DP  
July 21, 2005

  
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